

**MINUTES OF A  
REGULAR MEETING  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
MARCH 01, 2022**

The Jackson County Board of Commissioners met in a Regular Session on March 01, 2022, 6:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present:	Brian McMahan, Chairman	Don Adams, County Manager
	Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
	Mark Jones, Commissioner	Angela M. Winchester, Clerk to the Board
	Tom Stribling, Commissioner	
	Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

(1) **PROCLAMATION HONORING LITTLE LEAGUE**: Commissioner Deitz read a Proclamation to proclaim April 2<sup>nd</sup> as Jackson County Little League Day. Commissioner Deitz moved to approve the Proclamation. Commissioner Woody seconded the Motion. Motion carried.

Chairman McMahan stated that he did not think there was anything they could do that would be more important than supporting the youth in the county. Little League was a great organization and he appreciated all the parents, coaches and the organization. It was a tremendous work they did to help the youth in the county.

The proclamation was presented to members of the Jackson County Little League Organization.

Curtis Lambert, Jackson County Little League President, thanked the county and county staff for making the fields available and ready to use and for making sure they had what they needed. He thanked all the parents and volunteers that helped make it all happen.

(2) **AGENDA**: Commissioner Deitz moved to approve the agenda. Commissioner Woody seconded the Motion. Motion carried.

(3) **MINUTES**: Commissioner Jones moved to approve the minutes of a Work Session of February 08, 2022 and a Regular Meeting of February 15, 2022, as presented. Commissioner Stribling seconded the Motion. Motion carried.

(4) **CHAIRMAN'S REPORT**: None.

(5) **COMMISSIONER REPORTS**:

(a) Commissioner Stribling stated that he attended his first TWSA meeting via Zoom. It was interesting to see what they had going on with expansions. They just replaced a \$2 mil pump station across from Jackson Paper.

(b) Commissioner Jones stated that he was on the same TWSA Zoom meeting getting caught up on all of TWSA's projects. It was a good meeting.

(c) Commissioner Woody stated that some beautiful birdhouses had been placed along the Greenway. The Sylva Herald was working on an article about the person that made and donated them.

**(6) COUNTY MANAGER REPORT:** Mr. Adams stated that he no formal report, but wanted to share the January Zoning and Building Permits report: The report listed the zoning district (if applicable), the owner/business name, the work permitted and the location of the project where the permit was issued. The Planning Department issued five commercial zoning permits and two renovation/addition zoning permits. Code enforcement issued one commercial permit and nine renovation/addition permits.

Also, there had not been any major changes on the construction projects. They were moving forward with the trusses at the Fairview concession stand. They had closed off the dugouts and were allowing use of the fields.

**(7) INFORMAL COMMENTS BY THE PUBLIC:** None.

**(8) COVID-19 UPDATE – MASK POLICY:** Mr. Adams shared a Supplemental Declaration Lifting Restrictions in County Owned and Operated Facilities:

*“On March 10, 2020, the Governor of North Carolina declared a State of Emergency to coordinate the State’s response and protective actions to address the Coronavirus Disease 2019 (“COVID-19”) public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina. Jackson County issued several Supplemental Declarations of a Local State of Emergency.*

*Over recent weeks in Jackson County, due to the measures taken to date by the State of North Carolina and by the county, there have been improvements in the county’s key COVID-19 metrics. The county was experiencing lower rates of the percent of emergency department visits that are due to COVID-like illness, the number of COVID-19 daily diagnoses, the percent of total COVID-19 tests that are positive, and the number of COVID-19 associated hospitalizations.*

*COVID-19 vaccines were widely available at no cost to all eligible North Carolinians who wish to receive one, and all county residents were strongly encouraged to get vaccinated and boosted. Due to the totality of the enhanced knowledge and circumstances, the Face Covering and social distance requirements in County Owned and Operated Facilities should be lifted in most settings.*

*Pursuant to the authority vested in the Chairman of the Board of Commissioners of Jackson County under Article 1A of Chapter 166A of the North Carolina General Statutes and the Emergency Management Ordinance for the County of Jackson, he declared:*

- 1. Jackson County remains under a State of Emergency as declared on March 16, 2020 and as declared in a Superseding Declaration of a Local State of Emergency on May 7, 2020. Jackson County remains subject to all of the Governor’s Executive Orders.*
- 2. In accordance with guidance from the State of North Carolina the order requiring the wearing of Face Coverings and social distancing when entering the public space of a Jackson County owned facility or facility operated by Jackson County is hereby rescinded and is now optional.*
- 3. The CDC and public health recommendations confirm that unvaccinated people put themselves at great risk if they do not wear Face Coverings and social distance in recommended settings and it is therefore strongly encouraged that unvaccinated people continue to wear Face Coverings and social distance.*

*Should any provision hereof be declared invalid or unconstitutional by any court of any competent jurisdiction, such declaration shall not affect the validity of this Declaration that as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.*

*The Chairman hereby ordered this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Jackson County Board of Commissioners and (c) to be posted on the County’s website (d) to be sent to the Department of Public Safety’s WebEOC critical incident management system (e) to be distributed to others as necessary to ensure proper implementation of this declaration.*

*All of the terms and conditions of that said Local State of Emergency declared on March 16, 2020 and the Superseding Declaration of a Local State of Emergency declared on May 7, 2020 remain in full force and effect This Supplemental Declaration of Local State of Emergency Lifting Restrictions in County Owned and Operated Facilities for Jackson County shall begin on March 1, 2022 at 6:00 pm and shall remain in effect unless terminated or modified as long as the Jackson County Local State of Emergency remains in force and effect.”*

Chairman McMahan stated that while the mandate for masks in county facilities was being lifted, he strongly urged citizens to continue wearing masks as appropriate, especially for those with compromised immune systems or those with family members with health issues. There were a lot of reasons to wear masks and he encouraged people to do so. There were times he would still wear a mask. It was good to be able to wear a mask and he encouraged people to continue to do that along with continuing to social distance and practice good sanitary efforts in washing hands. They were not saying Covid was over, but they felt the numbers were trending in the right direction to not have to be mandated to wear a mask in public settings. It would be an option for those who felt it was needed.

Mr. Adams stated that there were settings at county operations that would still require masks, specifically, the Health Department. Most medical facilities did require masks.

Commissioner Deitz stated they had to continue to be vigilant, it had not gone away.

Commissioner Woody stated that she appreciated the thoughtfulness of the Declaration. She hoped that people in the community would show great respect for each other. It was a personal choice, in most situations, whether someone wore a mask or not. To be respectful of people’s choices was very important.

*Informational item.*

**(9) PUBLIC SCHOOLS GRANT MATCH REQUEST:** Mr. Adams stated this was a follow up from the budget retreat where Jackson County Public Schools (JCPS) presented a state grant opportunity:

- Fairview Cafeteria and Classrooms:
  - Project Cost: \$8,306,128
  - Match Request: \$415,306
- SMHS Stadium ADA Upgrades and Track on Jones Street:
  - Project Cost: \$7,124,940
  - Match Request: \$356,247
- Blue Ridge Gym/Performance Space and Classrooms:
  - Project Cost: \$14,451,360
  - Match Request: \$722,568
- Total Request for Matching Funds: \$1,494,121

The match commitment was required to submit the application. The projects had not been approved or funded, but was a significant opportunity for JCPS to proceed forward and apply for these priorities. If the grants were awarded, the matching funds would be proposed to come from Articles 40 and 42 Sales Tax. A portion of these sales taxes was mandated to go to school operations.

	<u>FY 2019-2020</u>	<u>FY 2020-2021</u>	<u>FY 2021-2022</u>	<u>FY 2022-2023</u>	<u>FY 2023-2024</u>	<u>FY 2024-2025</u>	<u>FY 2025-2026</u>
Articles 40 & 42 Total:	\$3,417,313.65	\$4,073,484.13	\$4,277,158.34	\$4,491,016.25	\$4,715,567.07	\$4,951,345.42	\$5,198,912.69
School Capital Expenditures:	\$3,417,313.65	\$4,073,484.13	\$4,277,158.34	\$4,491,016.25	\$4,715,567.07	\$4,951,345.42	\$5,198,912.69
Capital Improvements transfers out							
ADA upgrade SMH Baseball	(\$463,800.00)						
BRS water/sewer	(\$68,400.00)						
School safety projects			(\$4,009,447.00)				
	(\$532,200.00)		(\$4,009,447.00)				
Capital Reserve Projected amounts available after commitments:							
School Capital Reserve 06/30/21							
Balance		\$2,735,148.01					
New Year Addition			\$1,538,041.34	\$1,770,499.25	\$2,013,650.07	\$2,268,028.42	\$2,515,595.69
<b>Balance Available</b>		<b>\$2,735,148.01</b>	<b>\$263,742.35</b>	<b>\$2,034,241.60</b>	<b>\$4,047,891.67</b>	<b>\$6,315,920.09</b>	<b>\$8,831,515.78</b>

The funds were available in fiscal year 2022-2023 to make the match. This had been requested by the Board of Education, Superintendent of Schools and the Assistant Superintendent of Schools. In order to spend these funds, the Board of Education and the Board of Commissioners must agree upon what the funds would be spent on. The applications were due on March 16<sup>th</sup>.

Commissioner Deitz asked if they were awarded the grants, did they have to use the funds as stated?

Mr. Adams stated yes, that was correct. Also, if the grants were awarded, there would be more follow up information with details of the specifics of the projects.

Commissioner Jones noted that the state set aside \$450 mil for these projects and another \$450 mil for the next year. If they were not awarded all or any of the grants, they still had an opportunity for next year.

Commissioner Deitz asked if these projects included a restroom on the visitor side of the football stadium.

Mr. Adams stated that ADA restrooms were included in the SMHS Project.

***Motion:*** *Commissioner Deitz moved to authorize the County Manager to submit a letter in support of the grant applications and authorize the reservation of funds for the 5% match, as requested. Commissioner Woody seconded the Motion. Motion carried by unanimous vote.*

**(10) UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS:** Michael Poston, Planning Director, stated that the amendments went through the public hearing process at the Cashiers Planning Council level for Section 9.3. The Cashiers Planning Council recommended these amendments to the Board of Commissioners.

The Planning Board reviewed the Cashiers Ordinance Amendment without a public hearing. They held a public hearing for Article III and Article IV regarding major subdivision review; Article 6, Section 6 regarding multifamily developments; and Article XI, Section 11.2 Definitions regarding major subdivisions. The Planning Board approved and recommended approval of the amendments to the Board of Commissioners.

He submitted a Consistency Statement for consideration and approval as well. A public hearing was held prior to the meeting with one written comment.

Commissioner Jones asked if both the Planning Board and Cashiers Council votes were unanimous?

Mr. Poston stated that yes, they were both unanimous.

***Motion:*** *Commissioner Jones moved to approve the Unified Development Ordinance Amendments and Consistency Statement, as presented. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

**(11) RESOLUTION R22-01 SUPPORTING THE ABANDONMENT OF A PORTION OF SR1537 – WILLETS ROAD:**

*Chairman McMahan was recused from this item.*

Commissioner Deitz presented Resolution R22-01 supporting the abandonment of a portion of SR1537, Willets Road.

Mr. Poston stated that the North Carolina Department of Transportation requested, Mr. Brian McMahan (applicant), to abandon approximately .08 miles of SR 1537, locally known as Willetts Road. Willets Road was located off Skyland Drive in the Balsam/Willets community. The portion of the road that was being considered for abandonment was the terminus point of the road just past the intersection of Dark Ridge Road.

G.S. 136-63 stated that Boards of Commissioners, on their own motion or on a petition of a group of citizens, request the Board of Transportation to change or abandon any road in the secondary system when the best interest of the people of the county would be served. Chris Lee, NCDOT District 2 Engineer, investigated the request and found the request to be reasonable. The applicant owned the property on both sides of this section of Willets Road and was the only property owner that was required to sign the petition.

Staff found the request to be in the best interest of the public as the abandonment of the last .08 miles of Willetts Road would not affect the ingress or egress of any adjacent properties and could improve public safety in the area. Staff recommended that the Board of Commissioners consider approval of Resolution R22-01, supporting the abandonment of .08 miles of right-of-way for SR 1537 (Willets Road) from the Secondary Road System.

***Motion:*** *Commissioner Woody moved to adopt Resolution R22-01 Supporting the Abandonment of a Portion of SR1537, Willets Road, as requested. Commissioner Stribling seconded the Motion. Motion carried by a unanimous vote of 4-0, with Chairman McMahan having been recused.*

**(12) MOUNTAIN PROJECTS BOARD OF DIRECTORS:** Chairman McMahan stated they received a letter from Mountain Projects stating that Commissioner Deitz stepped down as a member of the Mountain Projects Board of Directors. The Board had an opportunity to appoint someone to serve on that board.

***Motion:*** *Chairman McMahan moved to appoint Commissioner Gayle Woody to serve on the Mountain Projects Board of Directors. Commissioner Deitz seconded the Motion.*

***Discussion:*** Commissioner Deitz stated that he had served on the Mountain Projects Board of Directors for several years. He had worked with them prior to that for many years and he had great respect for all that they did. Sometimes, after being on a board for many years, a person decides they are no longer effective and it was time for someone else to serve in that position. He was glad that Commissioner Woody was willing to serve because it was very important for the county.

Chairman McMahan stated that there were times when it was good to step down from a board to allow someone else serve. There was always the option to reevaluate and reappoint.

*Motion carried by unanimous vote.*

(13) **PRESS CONFERENCE**: None.

(14) **CLOSED SESSION**:

**Motion**: *Commissioner Deitz moved that the Board go into closed session pursuant to G.S.143-318.11(a)(3) Legal and G.S.143-318.11(a)(6) Personnel. Commissioner Jones seconded the Motion. Motion carried.*

Chairman McMahan called the regular meeting back to order and stated that no action was taken in closed session except the approval of the closed session minutes.

(15) **AGENDA**: Chairman McMahan requested to add one item to the agenda: Sell parcels from the county to NCDOT, to include right-of-way and utility easements. Commissioner Deitz moved to approve the amended agenda. Commissioner Woody seconded the Motion. Motion carried.

(16) **SELL PARCELS FROM COUNTY TO NCDOT**: Ms. Baker requested approval to sell county property to NCDOT on Monteith Gap Road for the amount of \$38,000 for highway right-of-way.

Chairman McMahan stated that this property was near the Community Garden in connection with DOT's upgrade of that road and constructing a roundabout intersection. This would include utility relocation easements.

**Motion**: *Commissioner Woody moved to approve the sale of the property on Monteith Gap Road to NCDOT for \$38,000 and authorize the Chairman to sign the deed for highway right-of-way. Commissioner Stribling seconded the Motion. Motion carried by unanimous vote.*

At 9:14 p.m., Chairman McMahan recessed the meeting until March 8<sup>th</sup> at 2:00 p.m.

Attest:

Approved:

\_\_\_\_\_  
Angela M. Winchester, Clerk to Board

\_\_\_\_\_  
Brian Thomas McMahan, Chairman